

## ORAL HISTORY – Honorable Joseph B. “Joe” Meyer – Part 1

The following interview is part one of a three-part oral history series with the Honorable Joseph “Joe” Meyer. Meyer served as Wyoming’s Attorney General from 1986-1995. He was elected to serve as Secretary of State for two terms 1999-2007. He became the State Treasurer for Wyoming beginning in 2007 and served until the time of his death in October of 2012. This interview was recorded in April of 2011 by the Wyoming State Archives. The interviewer was Wyoming historian Mark Junge and the producer was Sue Castaneda.

MARK JUNGE: Today is the 14<sup>th</sup> of April, 2011. My name is Mark Junge and I’m in the office of Attorney General Joe B. Meyer with Sue Castaneda and...

SUE CASTANEDA: He’s the State Treasurer.

JUNGE: Excuse me!

STATE TREASURER JOSEPH B. MEYER: I’ve been called worse.

JUNGE: I’m sorry. I’m sorry! This is terrible! Here. Why don’t you do the interview!

MEYER: You could have said “Secretary of State.”

JUNGE: You’ve been so many things. I can’t keep them all straight!

MEYER: I know. I can’t hold a job and I get out just before they shoot me!

JUNGE: Oh, this is embarrassing. And Sue Castaneda is here in the office correcting me making sure I don’t flub up and I already did so ...we’re going to talk a little bit about the Mark Hopkinson case. I want to get just your general views on it but Joe, sometime I’d like to sit down with you at length and talk to you about your life and what you’ve done. Would you be willing to do that?

MEYER: Sure. I think that’s more interesting than Hopkinson simply because of the change between 1970- and 1971 when Hathaway and some strong legislators including John Patton when there was a study -- a nationwide study that made our legislature the 49<sup>th</sup> worst in the United States. Hathaway agreed that they should have a legislative service office when it came down. I think the striking difference between what we were like then and what we are like now 40 years later is just a story the



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current legislators just don't understand. They think it has always been this way and you say, "Oh God, guys! You have no idea how many battles." Casper College, all those battles – that's what is fascinating to me.

JUNGE: So, can you give me your role at the time of the Hopkinson execution?

MEYER: When I took office of attorney general which is January 3<sup>rd</sup>, probably of 1987, Hopkinson had been convicted in District Court of the murder of Vehar and it was on appeal. And so I...he had been sentenced to death...he was the first one that was on death row for probably 25 years so I was the first attorney general to have that kind of experience. Actually for the first year or two there wasn't a whole bunch going on except appeals up and down the ladder...the chain. I had an attorney in the office – a lady who would handle those appeals up and down. I can't remember the name of the public defender then and I should be able to...and he had gotten himself kind of mostly involved in this one. He'd become deeper involved than most attorneys with their clients so he bled blood every time he would lose an appeal. At the time, there was a lot of Supreme Court activity on the death penalty – a lot of groups saying "you shouldn't kill anybody or take a life" versus the other side. A lot of prisoners – I know California at the time had something like 50 attorneys that did nothing else other than murder row cases. Pennsylvania and New York were the same way. And here we were – we had nobody that had any background or experience in the thing because it just didn't happen that often in Wyoming.

JUNGE: So, this was new to you personally?

MEYER: Sure.

JUNGE: Had you been a practicing attorney?

MEYER: I practiced four years in Fremont County in Lander from 1967 to 1971. The first two years, I was deputy county attorney. My jurisdiction was Lander, Dubois, Jeffrey City, Shoshoni. Dick Leedy – who was the county attorney – did Riverton and the reservation.

JUNGE: Did you ever have any potential death penalty cases outside of Hopkinson?

MEYER: Within three months after I got out of law school and had passed the bar we had our first murder in Fremont County. During the course of my two years, we had four murders. That's what kind of decided me that I didn't want to be a prosecutor. The first one was – you would remember this case, it's a very famous case – his dad was a big contractor, very rich contractor up in Fremont County. His daughter....excuse me, his son was the murderer and two girls vanished in the spring...or in the fall!! They found their bodies the next spring. John Vidacovich, who was the defense counsel – I was at home one evening and he came to the house and said, "Joe, he has confessed to murdering those two girls." I said, "Oh, ok." I called up the county attorney and said. "We've got to get a confession. We've got to get a waiver of rights. We can't..." Well, John Vidacovich said, "Well, you know, the kid has told his parents. They are all in a state of shock. We won't be able to do it but trust me. Trust me! We'll plead guilty when it comes up." We all thought he was crazy, you know, he was about 16. So, against our



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better judgment, we went ahead and charged him and as the case proceeded the parents decided they would fight it which they did but there were other aspects of the case. He had been seen out that night washing out the inside of his car with a hose. They had sold the car immediately over to Salt Lake City. We went over and found the car and found some blood in the car. So a trial was held and he was found guilty mostly with circumstantial evidence.

The sheriff – Pee Wee McDougall – was a story in and of himself. He was a legend up there. He was old style – run ‘em out of town! It was the middle of winter and he was driving by his sister’s house and the door was open. He saw his brother-in-law up there doing something – like he was cleaning a deer so he went up there to see what was happening. Well, he had his wife strung up in the garage and he was gutting her like a deer. So we had that one.

We had John Pius Moss which is a famous case. Pius Moss in Riverton was Indian – he was a prominent chieftain’s son. He had met an older white woman in the bar and strangled her to death so I get a call about 7 o’clock in the morning from the county attorney. He said, “Come on over. We’re going to have to take this confession.” You know, you’ve got to realize. I was just barely out of law school. I was a little bit intimidated by all this stuff. I went over there and here he was. He had a blanket wrapped around himself. He was shivering. We took his confession. Dick Leedy did most of the questioning. I was the second observer to show that he’d had his rights read and everything. Went through that case. When the case was tried this Mike Svilar it was a trial case so he put on this flamboyant show. Course we were trying the case. His theory was that someone had snuck up behind him with a wad of cotton and some type of tranquilizer put it over his mouth, put him down on the floor and then he got up and murdered this lady. Well, in the meantime of doing that, John Pius Moss slipped, hit his head on the back of the jury chair and started bleeding all over the floor so they postponed the trial for a week and finally, ultimately the case was (laughs)...he was found to be guilty and he was sent to jail.

JUNGE: Well, Pius Moss was a pretty famous name on the reservation.

MEYER: True. It was. It really was. And then we had a case...it shows you the difference between that time and now. It was up in Lysite. There was a little teeny bar up in Lysite and this 80-year-old old white guy was swinging with an Indian maiden in a bar drinking and you know, they were kind of fighting and he – they went outside and he took a shovel and he was kind of beating her a little bit. She got mad enough and she had a little pen knife – about two inches – and just started stabbing him in the chest. She stabbed him 80 times. And normally that wouldn’t kill anybody but the guy had “marshmallow lungs.” I mean, the guy had emphysema and bronchitis and one of them happened to puncture a lung. It was just like letting air out of a balloon. At the time, you had to have a coroner’s inquest ...so Dick Leedy and I went up there – at the grocery store. Laid the body out at the grocery store and then we had the county coroner say his ‘mumbo jumbo’ as we recited “yeah, there’s ‘evil doing’ here.” So, we tried her and she went to jail for a year.

So those were the four murder cases that I can remember and after that – I will remember later maybe – I know with the contractor’s son – it was such a prominent case. When we had the sentencing, I was



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there and I remember, we got a death threat. Occasionally, I would get a death threat. I'd go home. We had a one-year-old son who was born in 1968 and I would tell Mary, "Well, you had better lock the door for awhile. I got a death threat." After about two years of that, I said, "You know, I just don't think I was cut out for this sort of thing. It's just not pleasant for me and I just don't feel I'm accomplishing that much so..."

JUNGE: Well, I guess the next question would be is how did you become attorney general?

MEYER: Attorney general is a higher plane....well...you want to know the story about attorney general? When Mike Sullivan got elected, he did not expect to beat Pete Simpson. I mean, he was just kind of running. When he got elected it came as a big shock and his handler was Dave Freudenthal – if you didn't know that – who had helped him go through the election and the rest. I had known Dave because when he worked for Herschler we did some environmental quality stuff going back to Washington, D.C. trying to get them to pay attention to strip mining and the rest. He said, "Joe. Mike Sullivan is just really green when comes to state government." So he asked me, he asked Dave Ferrari, he asked the other one that works now down at A&I – three republicans – if we would show up once or twice a week at the Hitching Post and brief "how does the Department of Health work? How does DOT (Department of Transportation) work? Who are the good guys? Who are the bad guys? Who is the person you can rely on?" Which we did. This is so out of character for me because I was so anti-politics and anti-politicians at the time. I never got very involved in it. He (Sullivan) said in the paper, "I want the brightest and the best and good people to work for me. I don't care about their party affiliation." So, I showed up at the next meeting where we were going to brief and handed him a manila envelope. He said, "What's this?" I said, "That's my resume. I want to be your attorney general." He kind of looked at me and smiled. I didn't hear from him for four weeks. He called me up out of the clear blue and he said, "I need to talk to you. Are there any circumstances under which you might change your party affiliation?" I said, "What the hell are you talking about? God, my whole damn family is democrats. Roosevelt democrats. All my cousins – I've got 15 cousins in Casper. I'm an Eisenhower republican. What the hell are you talking about? Why do you care?" He said, "Well, come on over. We're having our press conference." I said, "Well, what for?" He said, "I'm going to appoint you attorney general." And I said, "Are you shitting me?" (laughs) So that's what happened! That's exactly how it happened. I'd had experience with the office. I'd worked for LSO (Legislative Services Office) for 16 years. I knew all the attorney generals. I knew how the office worked. I had a lot of background.

JUNGE: When you first came into office...let's see...Hopkinson was executed in 1992. So, you came into office long before he was executed.

MEYER: Oh yeah. I came in January of 1987. I'm virtually certain that he had been convicted. Now, I could be wrong on that but I thought when I came into office he had been convicted and those appeals in those days were just ten, twenty years – appeals up and down district courts. Granting stays and other stuff was not uncommon whatsoever. My memory was that he had already been convicted. Maybe not.



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JUNGE: 1979, I think.

MEYER: '79. Ok.

CASTANEDA: Was it Leonard Munker? (Hopkinson's public defender)

JUNGE AND MEYER: (In unison) Leonard Munker!

MEYER: Leonard Munker! Way to go! Way to go!

JUNGE: Ok, Leonard Munker.

MEYER: So, in any event, we did a lot of that. We kept winning the appeals but it just took so damned long to get your...you'd have to brief, you'd have to fight that, Leonard would bring up points. As it turned out, there was a United States Supreme Court Case – and this might have been 1990 or something – that talked about the deficiencies that might happen in sentencing for capital murder cases. We tried it at the district court level here and we lost it. It said you should send it back for a resentencing part before you can proceed. So I asked my attorney and I said, "Well, "...and we could have appealed to a three-court judge panel – (unintelligible) And I asked her, "Even if we lost this case and take it up, should we have won it?" And she said no. "I think the court...this case applies...I think we should go back and have this new instruction be given to a jury." So I said ok and it was a large press event where I said, "We're just not going to appeal this damn thing. We're going to go back and do it right" Leonard Munker even called me up later on and said, "I never understood why you just didn't appeal that." I said, "Leonard, it's been—as you reminded me how long ago – it's been ten years. We have got to, at some point in time try to get this thing resolved one way or another." We tried again. They found him guilty. The court upheld – or sentenced to death. The court found that ok. I remember at the time I was on PBS and they were asking about a variety of subjects and one of which was this. I made the statement which I didn't catch as much hell about as I thought I was going to. I said, "After someone has been convicted to be executed for more than five years, I kind of lose my enthusiasm to kill 'em. I think that any possible reason why you would carry out an execution after that time... and I said "in that I blame the Supreme Court and the court system for just allowing this sort of silliness to continue. A real hard examination once...maybe twice... but some of these things are so open and shut that to allow a thing to go on five or ten years is just absolutely absurd. "

JUNGE: What's the attorney general's role in regard to a case like this?

MEYER: 15:50 We're in charge of all the appeals. We have to do all the appeals up and down on whether the person can be executed and then kind of supervisory over the actual execution. As I was saying, during the execution when we finally got to that, the pope had called the governor probably a week or two before. Mike Sullivan was Catholic and that was very traumatic for him. We had two buses come up from Denver. The execution was scheduled for 2 o'clock in the morning and there were people surrounding this building with little cups of candles. The only one I remember in the building besides the governor and me was Joan Barron (Casper Star Tribune) and we didn't know what would happen –



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would there be an assault, a riot, a rage or anything. My criminal attorney, John Renneisen, was over at Rawlins, on the phone to me in case we got notice of a...a stay where I'd say, "Stop it. Stop it. We've got a stay." Turned out there was no stay and at 2 o'clock I called and went and told the governor, "He's been executed."

So that's what it was. I said I've spoken to many young people, groups, before – I do that a lot – and said – and it wasn't until a couple of years ago that I could talk about it without not tearing up. I'm not horribly emotional about it but just...I said, "Look. I'm Joe Meyer from Casper, Wyoming. I'm a first-generation college graduate. You'd never think – I mean, I look like an adult – that you would be in this kind of weird 'Alice in Wonderland' type of situation where you have something to do with an execution of somebody. I'm not anti-death penalty. That's what I say to all of you. You don't know where you're going to wind up. Try to keep yourself as broad and general and...it was just one of those out of body experiences that you're just..."

JUNGE: What do you mean "out of body?"

MEYER: It just felt like you're almost floating. You just keep saying to yourself, "God! Why me? Why am I in this position at this time? How did it happen to be?"

JUNGE: Is it the weight of the human life being lost?

MEYER: No. I think it was just all of the circumstances like the pope calling and this other thing and God, it's all over the press! It was so out of the range of normal experience that you just think of ...I wasn't concerned. I wasn't stressed. It's like "Wow." You're just kind of floating around saying "I wonder how this is going to turn out?"

JUNGE: What was your relationship to Leonard Munker?

MEYER: Leonard and I had been friends. I knew him. Not intimately, but I knew him because we had had a lot of cases...you know I'm the longest serving attorney general and during the course of that we handled every criminal appeal that arose in the State of Wyoming so I had at least 500 cases. Half of them, as public defender, he was probably on the other side of so...I knew him in social meetings and in this one...like I say...it affected him very emotionally throughout the whole thing. Once it's over, like anything else, time tends to dull where you put it more into perspective.

JUNGE: Why did the Hopkinson case elicit such emotion?

MEYER: I think part of it was because it was a case that was totally circumstantial evidence. They never had a confession. They never had any direct evidence that Hopkinson had in fact hired these people from Las Vegas to come up and throw dynamite in the basement and kill this lawyer. The fact that Gerry Spence had deviated from being normally defense oriented to prosecute the case at the request...perhaps of Herschler or some people because Vehar was a very well-known lawyer and he had a lot of friends and relatives in that part of the country. And then later on, during the course of the



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appeal, Gerry Spence says, "I was wrong! I should never have prosecuted this case." So in the meantime, you have all of this questioning.

JUNGE: Second guessing?

MEYER: Sure.

JUNGE: Sure. What was your impression of Spence at the time?

MEYER: Well, when I practiced...when I first started practicing law up in Fremont County, Gerry Spence was there in Riverton. He had been county attorney for four years. I tried one case against him. It was a pretty piddly little case. It was a minors buying liquor from a Riverton liquor store – underage. And again, it was just right after I was appointed. I hadn't been out of law school very long. The county attorney calls me up about three days – like on a Thursday. He says, "Joe, I'm going to be out of town. We're going to have this case up in Worland. I've been assigned to a judge up there and it's going to be a liquor license revocation case. Your witnesses are three teenage boys and I've got the file – you can take a look at the file. Oh and Gerry Spence is going to be the defense counsel." I just said, "AHHHH!"

At the time, you're kind of dumb. You get out of law school and you're not all that sophisticated. So, I went up and tried the case. The judge himself was ...ummmm....he's dead now; I don't want to beat on him. He was a little bit erratic. And he showed up...the trial was at 9 a.m. He showed up at 10:30. In the meantime, I'm kind of wandering around. I've got the parents there. I've got the teenage witnesses. I saw Gerry Spence and of course in law school you hear about Gerry Spence who was the guru who tried all these marvelous cases, he walked on water. My God – he was good! I saw him there and I said, 'You know, Gerry, I feel like Daniel walking into the lion's den.' He kind of lightened up and laughed and said, "Well, if you want to be a trial attorney, you have to try a bunch of these things...pretty soon, the newness, the freshness will go away. It's just like anything else. It's just like playing golf. You just have to do a lot of it and you'll be ok.

JUNGE: One time I talked to Judge Guthrie. This was about 20 years ago and we were in his office at the Supreme Court Building talking about law and so forth. He said in Gerry Spence he had never met such a well-prepared lawyer.

MEYER: You betcha.

JUNGE: And I know there was a lot of animosity – especially in this case because he was on the other side of the fence so he took a lot of heat. But, just the same, I think people have this sort of innate respect for the man...

MEYER: Sure. From what I heard, what he was like in law school and subsequently, he was extremely intelligent and to be a good attorney, you have to be diligent. You have got to LIVE it. I mean he has said at schools, "you have simply got to become part of that story. It has got to become part of you. You know more than anyone else in the world about it." Most of the attorneys that are out in practice are



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trying to make a living so they don't put that much time in all the cases unless they can specialize. I assume it was true that he at some point in time decided that he wanted to be a district judge up there. And that's when you elected district judges. He ran and he got beat! Kind of hurt his feelings and he – from that time accelerated the fact that he could be brutal. His mouth, because of his intelligence, he could make you look like a damn idiot. Nobody likes to look like that.

JUNGE: (laughs) Well, he got Hopkinson on circumstantial evidence-which to me is amazing.

MEYER: He did. He did. The Fremont County bar at the time was a cantankerous bar. We had some incredibly tough attorneys. No one liked to try a case against a Fremont County attorney...they were just ...ah...pretty raggedy. Maybe you had to be.

JUNGE: Yeah. Why?

MEYER: It was just the types of personalities there. They just fought. I won't say any names because I don't want to slander them. They're all friends of mine. They were just tough. It was "Katy, bar the door" when you went to trial with them.

JUNGE: What about the last minute negotiations? Did you have conversations with Mike Sullivan over this? Did you guys talk about Hopkinson?

MEYER: I told him what was going on. You've got to realize...my attitude was..when I took office of attorney general, my deal with Mike Sullivan was the same deal that Frank Barrett (it is probable that Meyer meant to say James Barrett – Attorney General -1967-1971) and Stan Hathaway had. I said, "Governor – you do the politics and I do the law. I won't tell you how to do the politics and I don't want you to tell me how to do the law. You can talk to me because you're a lawyer. You can point out the fallacy of my legal reasoning. Or, sometimes cases can go either way. I'll be glad to listen to your policy reasons on occasion." To his credit, and I think to Hathaway's credit, he never told me how to rule. There was something in the paper when I decided not to appeal that case– when I told you the Supreme Court had made a different rule that said "Sullivan told you to do this." I said, "Let me disabuse you of that. That did not happen. I decided by myself. We do not have that type of relationship. He would not ask me to do anything to postpone the day of reckoning. None of that happened."

JUNGE: Was it a help or a hindrance that the person you are working with be a good lawyer too?

MEYER: I think it's a help.

JUNGE: Do you?

MEYER: Oh yeah. Because you can talk. I know of one governor – Geringer – who's not a lawyer. It makes it extraordinarily difficult to talk to a non-lawyer about some of the things you think about as a lawyer. Trade-offs, possibilities, what are your chances – as opposed to a non-lawyer saying, "Well, god damnit, do it. They don't understand. You can't win this! They call it "curbstone equity" when you're in law school. Somebody says, "Well, that's just not fair." Well, fairness has nothing to do with the law



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except as a secondary outcome. There are rules and those rules are such that you follow the rules that were probably developed due to a fairness of an outcome but not always. Sometimes people will look at a decision and say, "God that was unfair." You say, "Sorry. If you want fairness, get a priest!" Law is different! It is more of a technical sort of thing with precedent and then you do the actual facts and try to fit it into a pigeon hole.

JUNGE: Do you know what was on Mike's mind? You said he was under a lot of pressure with the pope's phone call?

MEYER: You know I really don't. I know it weighed upon him very hard. It just did.

JUNGE: How could you tell?

MEYER: You could see the face looked drawn. You could see he was quieter. When you...a strong churchgoer, which he was – Catholic Church and the head of that but it was like John F. Kennedy who said, "Look, the church as an influence is separate from what my duty is as a government person." Mike Sullivan had the same attitude.

JUNGE: What was the pope's plea? What was the pope's message?

MEYER: Mike didn't tell me much about it. Just that they had had a talk. You've got to surmise that he said, "You've got to commute it. We don't believe in killing" ...or something. Whatever. I don't know. I couldn't answer that.

JUNGE: Joe, as the "day of reckoning" for Hopkinson came near was there more and more pressure on you?

MEYER: No.

JUNGE: No?

MEYER: No.

JUNGE: The thing had been going for over ten years. I mean, God! Most of the public didn't even know it existed even if it was in the paper. People divorce themselves from those sorts of sticky – I call 'em "tar babies" where there's just a hell a lot of emotion or a lot of other things going on that they don't shy away from it but they don't get into as much...except for the very strong ones – "I hate capital punishment!" or "I believe in capital punishment!" so they will warn everybody else not to do it again...and I just didn't feel that much pressure other than...it's a mechanical thing to the extent that - look, you've got to make damn sure you've got a secure phone line. John Renneisen and I would talk about well,

JUNGE: Who was this?



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MEYER: John Renneisen. He was the criminal deputy who was over there. He's still in the Attorney General's office. We had a lethal injection. How do you do that? You had people who would sit behind the glass pane to be witnesses to the execution and in fact, it was carried out and he died. There were a lot of mechanical things that were done. They weren't sure if someone was going to try to come over and storm the prison or something. Unrealistic? Probably so, but they had some highway patrolmen over there.

JUNGE: I thought he was going to the gas chamber.

MEYER: No, this was lethal injection, as I recall. I could be wrong. You might be right. For some reason, I was thinking it was lethal injection but it could have been gas.

JUNGE: It could have been – I was just reading Gerry's book "Gunning for Justice" written in 1992.

MEYER: I just don't remember.

JUNGE: Did you ever meet Hopkinson?

MEYER: I did not. I read a lot of transcripts. There was a lady that...apparently he was quite a charmer...and she wrote a book. Or at least letters – just tons and tons of letters and I'd read them. I was interested in his personality. He was a "schmooser" from way back. He was a slick salesman. He could apparently convince anybody of anything. I read quite a bit about him just to understand him, what kind of person is he, what does he do?

JUNGE: Did you ever talk to Kirk Knox?

MEYER? No, I did not. And I knew Kirk.

JUNGE: He was very...I don't if you'd call him pro-Hopkinson but he was very anti-death penalty. Strongly! And wrote a lot about this!

MEYER: It could have...if you looked at the nature of it...and maybe it was Gerry's personality that led not only to a conviction but also to a death penalty. Maybe Gerry felt...bad...that he'd had too much to do with convincing the jury and the judge to find a "guilty" and to find a death on that sort of case. I mean...he could have...because he reneged later on so you don't know what was going through his head. It might have been a case that would have been more amenable to life without parole. It's just hard to tell.

JUNGE: Now this was the first death penalty case since the '60's.

MEYER: Yes. It was.

JUNGE: So, you must have gotten a lot of national attention.



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MEYER: I don't know...not me specifically...national attention. And if it was, I didn't notice. I remember lamenting "Why in the hell me?" Why couldn't it have been the next attorney general? There were no particular reasons that I felt bad about having to execute or otherwise. You'd have to talk about it once a month – "Ok, we're going to have to go to the Supreme Court once again." It just went on and on and on!

JUNGE: What are your feelings toward the death penalty?

MEYER: Actually, I have been somewhat favorable as a younger lad and up through part...I think the more that I've grown and matured I'm less and less in favor of it just because they are finding – particularly in Texas – through the genetic testing and just through some of the ...I am aware that a prosecutor can throw some stuff at....and shade a case. So the question is, was it a fair game, number one. Number two – is it effective at all to deter crime? That's the primary reason as opposed to saying, "Look, you're going in a hole and you're not coming out...a prison and you can stay there for the rest of your life.

JUNGE: If you incline towards being more lenient in your mature years, would it be for evidentiary reasons, the idea like you say that it doesn't really prevent anything like that in the future or what about the moral part of it? How do you feel about that?

MEYER: The moral part of it is the most difficult because if you have someone who has been really killed in some horrible ways and taken a loved one away from you there is a natural...I am a pugnacious type of person where I say, "all right, I want you dead and I want you dead now you miserable SOB." When you see what's happening now where it takes ten twenty years you say well at some point in time you begin to soften. The instant reaction is, if I was a parent whose child was raped and say within the next month I had a gun and would say, "all right you sucker, you're gone!" that, I can tend to understand as an eye for an eye, tooth for a tooth. But I think after a certain period of time, things fade and except for the retribution and you say well, ten years later that person died because he had done such a horrible thing to my child. Does it still make you feel better inside? I think it is just a horrible, horrible area.

JUNGE: I think Spence's argument –in his closing argument to the jury – said, "I don't approve of capital punishment. I'm not asking you to kill this person because of this or because of that." He said, "I think we need protection. I think we need to be protected from this man." How do you feel about that?

MEYER: The counter answer is what do we try to do now is imprisonment, life without parole, which takes care of that situation. The contrary dollars and sense argument is that we've got so many people – more so than any other nation – in prison for things...how long can we afford to fee them? I don't think that's a good reason to say let's shoot them all so we don't have to pay the money but certainly we do have a tendency to incarcerate an awful lot of people.

JUNGE: Sue (Castaneda) wanted me to talk to some people about this event – such as you—because it is a significant event to her. Do you think it was a significant event in Wyoming history?



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MEYER: I think it was just because we have it so rarely but it's just like anything else on the true public stage – it's all gone now. No one remembers it. Some of the most important things that happened – the fights on Casper College in the 1970's ...just a whole bunch ...they...within a few years, they're all gone. I notice they're still messing with that case – she was a shirttail relation of mine – around Alcova where the guy raped the two girls and threw them over the canyon. It's still coming around. Horrible, horrible at the time.

JUNGE: Well, and the Shepard case.

MEYER: And the Shepard case.

JUNGE: Were you involved in that?

MEYER: I was not involved. I worked at UW at the time as a special assistant just before I ran for office in '98. I'll make an exception. Some things are just so outrageous that they stick around for a long time and the Shepard case, nationwide – two yahoo cowboys doing what they did tarred and feathered a whole state. Yeah, that one is what I would call "big time." Hopkinson – you know – I'm just not sure it was. Now – I think it's fated.

JUNGE: I think it was like Gerry Spence said in his book, "Gunning for Justice" this case was bizarre!

MEYER: it was!

JUNGE: But I think in the Shepard case...Hopkinson wasn't tied to a national movement for people who stuck bombs in lawyers' basements. I think the Shepard case was more tied to something going on nationally.

MEYER: I agree with you. And the circumstances of how they did it...spread eagle on a barbed wire fence. That is as weird as anything as I've ever seen. How in the hell could you be raised in Wyoming, be that young and even think of that sort of bizarre. The whole thing was bizarre.

JUNGE: But I'm talking in relation to the whole gay liberation movement.

MEYER: Oh sure. Absolutely, he did. I agree with you.

JUNGE: I don't want to put words in your mouth.

MEYER: You're not at all.

JUNGE: Ok. Where do we stand in this country on death penalties because the Hopkinson execution, according to what I read this morning, was the 159<sup>th</sup> in the U.S. after the death penalty was reinstated in '76 by I presume the Supreme Court. Somebody had taken it away and they reinstated it in 1976?

MEYER: The Supreme Court allowed many states to do it and I know many states have abolished it so you have some states that have the death penalty and some that don't – they are life without parole.



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JUNGE: Where does Wyoming stand?

MEYER: Wyoming is...you still can get someone executed. The difficulty ...if you really dig deep and just look at the mechanics here in Wyoming, we have – except for Natrona and Laramie County – part-time county attorneys really. If you were in Big Horn County and you'd get a murder case and the attorney general's office will send help on occasion if asked to try it. Even the attorney general's office doesn't have specialists to try murder cases. They're different. So, the quality – the type of trial and proceedings you have may not be as full as in other states that have a lot more murder cases. I think we are such a parochial state – in some cases, in rural areas, it can be tough to get a fair trial. Everybody knows everybody. As a matter of fact, that's difficult! It absolutely destroys the life of most county attorneys we have to try a murder case because it takes forever. I remember there was one over in Laramie but it was a bizarre case – maybe it was Rawlins. A dad backed over the kid with the car and killed the kid. But you take some of those cases and you get pilloried by the local community or they're egging you on. Here you are, you're the county attorney and you want to do a good public service deal. The pay isn't that much. All of the sudden you wind up with one of these whoppers if you're unfortunate as Dick Leedy was when I went up to Fremont County. He had four of them in the span of 18 months. You say, "Oh my god, what did I get myself into? Why did I do this?" So, I think you will find, if you were to talk to some who had a murder case who had not before – most of 'em tend to be young, most of 'em tend to be not out of law school too long. It's a good way to meet people in a community and build up a business practice.

JUNGE: And as Judge Guthrie once told me, "Every lawyer wants to be a judge, in his heart."

MEYER: A lot of them do. You bet. I don't. I know a lot of them that don't.

JUNGE: You don't want to end your career on the Supreme Court?

MEYER: No. I tried to be on the Supreme Court but I didn't make it. I think in retrospect, my personality isn't right. What I observed – and without any names whatsoever – I knew an awful lot of district judges. Some were classmates and some were just longtime friends. I knew Judge Guthrie. I knew Judge Parker. I play golf with several judges. T.C. Daniels from Douglas. He'd come up for arraignments because our 7<sup>th</sup> circuit was Teton County, Fremont County, Natrona County and Converse County and Judge Forrester, you know, he would have the arraignments in the morning and he and I would go out and play golf. He was an extremely soft-hearted individual. They would tend towards drinking problems because they can't socialize to any extent with the bar association. They're natural people – the lawyers – who get rumors around if they do too much of that. Some of the cases you hear, they've got to affect you inside. I mean, they hear stuff...I've told both my boys, "There are things going on that you don't know about. The public too." The only ones who ever hear anything about it are district judges. They're just ugly, mean-spirited, inner-family, incest crap that is really hard if you come from a middle-class family to relate to. Not all of them – I'm not indicting a whole bunch of people but I think it's easy to drink alcohol. They have alcoholic programs.



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JUNGE: What do you mean you don't have the right personality? I don't understand that. Do you mean you were too soft-hearted or too hard?

MEYER: No, no. I'm too aggressive at asking questions and hands-on doing things. I think I'm a much better prosecutor than I am a supreme court appellate where you listen to attorneys. Some attorneys are lazy. Some aren't real bright. Some don't do a very good case. I'd probably say something. (laughs) I just don't think I would...I think it's a lazy way to make a living.

JUNGE: I think our time is just about up but I wanted to ask you this. Who was assigned the Hopkinson case when you were attorney general?

MEYER: I'm trying to remember her name. She was a very close friend of Joe Cardine's on the Supreme Court. She was a good attorney and she would brief me periodically and then John Renniesen who was the criminal deputy for me.

JUNGE: so, is it safe to assume that this didn't bother you like it bothered the governor?

MEYER: It was just another case. I mean, recognize that at any given time, you may have 20, 30, 40, 100 cases ranging from criminal cases which – most of which you're not into that deep. It's mostly a mechanical thing to tax cases to coal companies to welfare cases to health cases with social workers. It's just all over the map really. It's the broadest type of practice in the State of Wyoming because everything is there. It's not like you do it every day. The attorney has to take some of the grief. If you're in the attorney general's office for very long like Sylvia Hackl...Sylvia's one of the best attorneys – she was my administrative assistant – you get used to those cases. Sylvia has probably argued more criminal defense cases and prosecuting cases of anyone in the State because she was in the Criminal Division here and then she was Public Defender for eight years under Geringer. I know that she had a way with the Supreme Court because she'd tell jokes – jokes that some people would think would be morbid humor but you do become...you know, it's like doctors. You build a skin where you can handle the stuff you see and don't let it wreck your life.

JUNGE: Well, in Gerry Spence's case, you just said you can't be good at your job unless you're involved with your client, and you're living with your client and you feel for your client. But on the other hand, you're saying you have to become inured to the kind of pressure you have every day.

MEYER: You bet. You've got to move on. I practiced four years. Had an opportunity that came up – Ralph Thomas here started the Legislative Service Office and the guy I went in with promised me a partnership. He'd gone through lots of interns. And, when I asked him, "I think it's time. I'm doing a lot of the work." He just laughed and said, "Well, I'm not going to give you a partnership." I had thought of him as a father figure and it really...it hurt! He kept doing it. It was just the way he was. It happened. He had two partners who did the same to him. One left and went on the Supreme Court so...you make allowances as you age but Ralph Thomas called and said they were starting a legislative service services office down in Cheyenne and I need a legal deputy. So I told Mary, "Let's go down for two years." I



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loved Lander. I just adored the place. We had so many friends and then when I came down here I then fell in love with the legislature. I mean they were number 49<sup>th</sup> in the nation. It's like getting a master's degree every year. You take on one or two things every year – you take on game and fish code, banking code and you have all opportunity to read as much and learn as much and talk as much and it just fit my personality like a glove. All of the sudden I wake up 16 years later, I'm still doing it. It was extraordinarily rewarding, the legislators were so appreciative.

JUNGE: Did you help establish the LSO office?

MEYER: Yes, I did. I was the lawyer...Ralph was a lawyer, but he was the administrator. Then we had an auditor and we would...I've said before that I was the hammer for the legislature because Hathaway, when they did the audit function, the legislature passed a bill on the Green River feasibility study – this is water from the Green River – said you can't spend more than a \$100,000, I think it was. He got a little cutesy and got another \$300,00 from I think the state engineer and they had an audit – the legislature did – and found out what he had done and he threatened the management council, one of whom ran for Congress in two years – face white as a sheet, bravest man I've ever seen – and they turned and released it to the public. You know Hathaway got pilloried but so did this guy when he ran for Congress.

JUNGE: Do you remember his name?

MEYER: Yeah. John Patton. He's still in the legislature. John was the one who believed strongly that you need two equal branches of government and you can't be playing footsy with...bless his heart, he just...yeah, he's doing reapportionment. His name was in the paper the other day.

JUNGE: Ok. One last thing. Going back to the Hopkinson thing. How much of this can you share with Mary? Do you just let it sit here in the office and go home and say, "Hi Mary, what's for supper?" Or, can you talk with your wife about....

MEYER: I don't share anything with Mary that doesn't appear in the paper. It's just my feeling that that is how you do things. I think a lot of lawyers are the same way.

JUNGE: Did you have a great sense of relief after he was executed?

MEYER: I could have. I think I was glad it was over. I didn't have to think about it anymore but I think at the time of his execution, I had a couple of other real barn burners...tar babies going on –char fuels, an undercover school operation going on over in Pinedale that DCI got into that was kind of eating at me so it was nice to have one of them taken off my platter.

JUNGE: Ok. Well, this has been great!

MEYER: Well, it's good to talk to you and I'm glad to see you!



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